IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

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SUPREME COURT, U.S.

NO. 80-6657

JAMES E. PATTERSON,
APPELLANT,

ORIGINAL COPY

VS.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, WESLEY BOYD, NEIL GUNTER, JOHN HINCHEY, HANS SCHACHT, WILLIAM E. HOFFMAN, JR., JEFFREY SMITH, THEODORE FRANKEL, & THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA, APPELLEES.

SUPPLEMENTAL BRIEF OF PETITIONER

APPELLANT NOTES WITH APPRECIATION THAT AFTER HAVING PURSUED DEFENDANT FRANKEL FOR FIVE YEARS THAT BY FRANKEL FILING "MOTION TO DISMISS" OUR APPEAL HE HAS FINALLY ADMITTED ACCORDING TO THE PROVISIONS OF FED R CIV P RULE 8(d) THAT HE DID AS WE CHARGED CONSPIRE AGAINST THIS FORMER CLIENT TO HELP THE GA. PROFESSIONAL PRACTICES COMMISSION TERMINATE OUR EMPLOYMENT VIA A RECORD COMPILED IN A SECRET HEARING IN JULY 1976 AND THAT HE ALSO CONSPIRED WITH THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF GA., TO COVER UP THAT SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER.

JAMES E. PATTERSON, PRO SE
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JAMES E. PATTERSON,
APPELLANT,

VS.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, JOHN HINCHEY, HANS SCHACHT, WESLEY BOYD, NEIL GUNTER, WILLIAM E. HOFFMAN, JR., JEFFREY SMITH, THEODORE FRANKEL AND THE UNITED STATES DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA, APPELLEES.

APPELLANT APPRECIATES THAT ATTORNEY FRANKEL HAS AFTER FIVE YEARS FINALLY ADMITTED THAT HE CONSPIRED AGAINST THIS FORMER CLIENT FOR ATTORNEY FRANKEL'S OWN FINANICAL GAIN.

INTRODUCTION-I

THIS ACTION IS PRESENTLY PENDING BEFORE THE COURT ON THE BASIS OF A JURISDICTIONAL STATEMENT FILED BY APPELLANT, PRO SE, JAMES E. PATTERSON, WITH THE CLERK OF THIS COURT ON MAY 11, 1981.

THE APPELLANT HAS PREVIOUSLY NOTED FOR THIS COURT THAT THE DEFENDANT DISTRICT COURT HAD SERVED NOTICE THAT IT WAIVED ITS RIGHT TO CHALLENGE THE CHARGE AGAINST THE COURT OF CONSPIRING WITH THE OTHER DE -- FENDANTS IN THE ABOVE CAPTIONED CASE TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

DEFENDANT FRANKEL-II.

NOW COMES DEFENDANT THEODORE FRANKEL FILING A BELATED "MOTION TO DISMISS"OUR APPEAL" AND BY FILING A "MO--- TION TO DISMISS" THIS COURT IS REQUIRED TO RULE THAT FRANKEL HAS ADMITTED THAT HE IS GUILTY OF CONSPIRING

DEFENDANT FRANKEL-II.

AGAINST THIS FORMER CLIENT."A MOTION TO DISMISS IS NOT A RESPONSIVE PLEADING WITHIN THE MEANING OF THE RULE" SEE,HANRATY V. OSTERTAG (10th CIR 1972) 470 F2D 1096.

FURTHERMORE,THE SUPREME COURT HELD IN JENKINS V.MCKEITHEN , LA.1969,89 S.CT.1843,395 U.S.411,23 L.ED.2D 404,(PER MR. JUSTICE MARSHALL WITH THE CHIEF JUSTICE AND ONE JUSTICE CONCURRING AND TWO JUSTICES CONCURRING IN THE RESULTS). THAT,"FOR PURPOSES OF MOTION TO DISMISS,MATERIAL ALLEGATIONS OF COMPLAINT ARE TAKEN AS ADMITTED[1] AND COMPLAINT IS TO BE LIBERALLY CONSTRUED IN FAVOR OF THE PLAINTIFF" THEREFORE,IT IS INCUMBENT UPON THIS COURT TO APPLY THE CITED SUPREME COURT RULING TO DEFENDANT FRANKEL'S"MOTION TO DISMISS" OUR APPEAL AND BY SO DOING THIS COURT MUST RULE THAT DEFENDANT FRANKEL HAS "ADMITTED AS TRUE"[1] OUR ALLEGATIONS THAT HE CONSPIRED AGAINST THIS FORMER CLIENT TO HELP THE GA.PROFESSIONAL PRACTICES COM ---- MISSION(COMISSION) TERMINATE OUR EMPLOYMENT VIA A SECRET HEARING, AND THAT (2) HE FURTHER CONSPIRED WITH THE DISTRICT COURT TO COVER UP THAT SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER, AND (3) FRANKEL ADMITS OUR ALLEGATIONS WITH HIS "MOTION TO DISMISS"[1] THAT DEFENDANTS BOYD,GUNTER,ABERNATHY,LEWIS, GAVE FALSE TESTIMONY AGAINST US AND PRESENTED EXHIBITS WITH OUR FORGED SIGNATURES THEREON,AND THAT (4) COMMISSION OFFICERS SCHACHT AND HINCHEY PRESIDED AT THAT JULY 1976 SECRET HEARING. [1] DEFENDANT JOHNSON ALSO.

FRANKEL ATTACKS OUR JURISDICTIONAL STATEMENT-III.

DEFENDANT FRANKEL'S MOVE TO DISMISS OUR APPEAL ON THE GROUND THAT SAID JURISDICTIONAL STATEMENT (STATEMENT) DOES NOT COMPLY - WITH SUPREME COURT RULE 15 IS A FARCE AND THE FACTS ARE THAT (1) THE CHIEF DEPUTY CLERK OF THIS COURT VERY KINDLY LOANED US A COPY OF A PROPERLY PREPARED STATEMENT TO USE AS A GUIDE AND THE PARAGRAPHS IN OUR STATEMENT ARE ENTITLED THE SAME AS THOSE IN THE -- SAMPLE COPY,AND (2) SUPREME COURT RULE 15.2 PROHIBITS THE CLERK OF THIS COURT FROM DOCKETING ANY STATEMENT THAT DOES NOT COMPLY WITH RULE 15 AND WITH RULE 33,EXCEPT THAT A PARTY PROCEEDING IN FORMA PAUPERIS MAY PROCEED IN THE MANNER PROVIDED BY SUPREME COURT RULE 46. THEREFORE,SINCE OUR STATEMENT WAS ACCEPTED BY THE CLERK IT WAS IN COMPLIANCE WITH SUPREME COURT RULE 15 AND 46 AND IT NOW IS -- READY FOR A REVIEW BY THIS COURT.

WHO ARE THE DEFENDANTS?-IV.

DEFENDANT FRANKEL FALSELY ALLEGES IN HIS MOTION ADMITTING HIS GUILT THAT WE HAVE BEEN INCONSISTENT WITH THE LIST OF - PARTIES NAMED AS DEFENDANTS IN THIS APPEAL. HE FALSELY ALLEGES THAT,"AT LEAST ONE "PARTY",JEFFREY SMITH,WAS NOT A "PARTY"BELOW." DEFENDANT FRANKEL'S MOTION ADMITTING HIS GUILT FALSELY ALLEGES - THAT WE DID NOT SERVE THE ATTORNEY OF RECORD FOR THE DEFENDANT DISTRICT COURT AND THUS HE ARGUES THAT WE VIOLATED RULE 28.

MR. FRANKEL IS UNDER THE DUTY TO EXPLAIN TO THIS COURT WHY THE DEFENDANT COURT'S ATTORNEY RESPONDED TO OUR CHARGES AGAINST THE DEFENDANT COURT IF WE DID NOT SERVE COUNSEL OF RECORD FOR THE DEFENDANT DISTRICT COURT-AS HE FALSELY CHARGES IN HIS MOTION ADMITTING HIS PERSONAL GUILT.

NOW,AS TO JEFFREY SMITH NOT BEING A"PARTY"BELOW,WE CITE THE FOLLOWING FACTS. WE FILED NOTICE TO APPEAL C.A.NO.79-106-N & C.A.NO.80-1236-A.THE DEFENDANTS ARE THE SAME IN THE TWO ACTIONS EXCEPT THAT WITH C.A.NO.80-1236-A HOFFMAN,JEFFREY SMITH,AND THE U.S.DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA,ARE ADDED AS DEFENDANTS.THE CLERK OF THIS COURT MUST HAVE JOINED THE TWO CASES INTO ONE CASE ON APPEAL BECAUSE HE ADVISED US IN WRITING THAT OUR APPEAL TO THIS COURT HAD BEEN DOCKETED UNDER FILE NO.80-6657.

IT IS ALSO TRUE THAT WE HAVE LISTED IN THE CAPTION OF OUR PLEADINGS FILED IN THIS COURT THE NAME OF "JEFFREY SMITH"AS A DEFENDANT AND IN OUR STATEMENT WE LISTED THE DEFENDANT PARTIES --- INDIVIDUALLY AND STATED THE CHARGES AGAINST EACH FOR THE BENEFIT OF THIS COURT AND DEFENDANT FRANKEL AND OTHER DEFENDANTS.THEREFORE,DEFENDANT FRANKEL'S ALLEGATION THAT HE DOES'NT KNOW WHO THE DEFENDANT "PARTIES"ARE IS A FRAUDULENT ALLEGATION.

FURTHERMORE,THE DEFENDANT DISTRICT COURT WAS NOT A DE---- FENDANT IN C.A.NO.79-106-N,BUT AS WE STATED,IT WAS IN C.A.NO.80-1236-A AND THAT DEFENDANT HAS NOT EXPERIENCED ANY PROBLEM DETERMINING THAT IT WAS A DEFENDANT IN APPEAL CASE NO.80-6657 BY REASON OF THE FACT THAT THAT DEFENDANT WAIVED ITS RIGHTS TO THIS COURT ON JUNE 1,1980 TO FILE A RESPONSIVE PLEADING TO THE CONSPIRACY - CHARGES PENDING AGAINST IT.LET THE RECORD SHOW THAT DEFENDANT --- FRANKEL KNOWS THAT BOTH HE AND HIS LAWYER,HOFFMAN,AND SMITH ARE ALL DEFENDANTS IN OUR CASE PRESENTLY PENDING BEFORE THIS COURT.

COURT MUST ENTER DEFAULT-V.

IN VIEW OF THE FACT THAT DEFENDANTS WILLIAM E.HOFFMAN,JR., AND JEFFREY SMITH HAVE FILED NO RESPONSE TO OUR APPEAL NAMING THEM AS TWO OF THE DEFENDANTS IT IS INCUMBENT UPON THIS COURT TO ENTER JUDGMENT BY DEFAULT AGAINST THEM.FED R CIV P RULE 8(d),55(a).

WHAT ORDER APPEALED FROM?-VI.

DEFENDANT FRANKEL ARGUES THAT,"THE JUDGMENT APPEALED FROM IN THIS CASE WAS ENTERED ON DECEMBER 29,1980 AND THE CASE WAS NOT DOCKETED IN THIS COURT UNTIL APRIL 9,1981,A TOTAL OF 101 DAYS AFTER THE ENTRY OF JUDGMENT." "THE APPEAL,THEREFORE,SHOULD BE DISMISSED AS NOT TIMELY FILED."

WE ENCOUNTERED THIS SAME PROBLEM WITH THE CLERK OF THIS COURT WHO THOUGHT WE WERE APPEALLING FROM THE DECEMBER 29,1980 ORDER,BUT WHEN WE SHOWED HIM THAT WE WERE APPEALING FROM AN ORDER ENTERED ON JANUARY 28,1981 AND THAT OUR NOTICE TO APPEAL WAS FILED ON FEBRUARY 25,1981 HE LET OUR APPEAL BE DOCKETED.

DEFENDANT FRANKEL RECEIVED COPIES OF THE JANUARY 28,1981 ORDER FROM THE CLERK,AND FURTHERMORE,HE RECEIVED A SECOND COPY WITH OUR STATEMENT.SUPREME COURT RULE 15(iii) REQUIRES THAT "A COPY OF THE JUDGMENT OR DECREE APPEALED FROM----"BE INCLUDED IN THE APPENDIX OF THE JURISDICTIONAL STATEMENT AND WE COMPLIED WITH THAT RULE.

THEREFORE,THE ABOVE FACTS SHOW THAT DEFENDANT FRANKEL RESORTED TO DELIBERATE PERJURY TO SEEK DISMISSAL OF OUR APPEAL,BUT THE DAMAGE TO HIM IS DONE COMPLETELY WITH HIS MOTION TO DISMISS WHICH RULE 8(d) AND THIS COURT HOLDS MUST BE CONSTRUED TO MEAN THAT DEFENDANT FRANKEL HAS "ADMITTED AS TRUE" THE CONSPIRACY ---CHARGES PENDING AGAINST HIM IN THIS COURT.

FRIVOLOUS? INCOHERENT? UNINTELLIGIBLE?-VII.

DEFENDANT FRANKEL ALLEGES ON PAGE 2 OF HIS MOTION OF GUILT THAT,"ASIDE FROM VIOLATIONS OF THE RULES OF THE COURT,PATTERSON'S APPEAL IS "FRIVOLOUS","INCOHERENT", AND "UNINTELLIGIBLE" AND NOT SUBJECT TO A RATIONAL RESPONSE."

SINCE SIX (6) PAGES OF OUR APPEAL INCLUDED TWO (2) COPIES OF A FRAUDULENT PROTECTIVE ORDER DRAFTED BY DEFENDANTS SMITH AND FRANKEL-

FRIVOLOUS? INCOHERENT? UNINTELLIGIBLE?-VII.

WITH ONE COPY NOT SIGNED AND THE SECOND IDENTICAL COPY - SIGNED BY JUDGE ALBERT J.HENDERSON,JR.,IN WHICH THEY FALSELY REFER TO A MAKE BELIEVE DISCOVERY CONFERENCE THAT WE WERE ALLEG-ED TO HAVE ATTENDED WITH "OUR NON-EXISTENT LAWYER",WE FIND IT DIFFICULT TO BELIEVE THAT FRANKEL AND SMITH WOULD CLAIM THAT THEIR FRAUDULENT PROTECTIVE ORDER IS "FRIVOLOUS","INCOHERENT", AND "UNINTELLIGIBLE" AND FOR THOSE REASONS THEY CANNOT DENY - THAT THEY UTILIZED THAT FRAUDULENT ORDER TO DENY US THE DUE - ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND - C78-47-N. CAN'T THEY INTERPRET THEIR OWN STATEMENTS?

FURTHERMORE,WE INCLUDED IN OUR APPENDIX A COPY OF A COURT ORDER IN WHICH THE COURT ORDERED FRANKEL AND OTHER DEFENDANTS IN C.A.NO.79-106-N TO MAKE US A RULE 68 OFFER OF CONSENT JUDG-MENT,BUT FRANKEL BEING ON A FIRST NAME RELATIONSHIP WITH THE FEDERAL JUDGES INFLUENCED THE COURT NOT TO ENFORCE THAT ORDER. IN FACT,THAT ORDER HAS NEVER BEEN ALTERED OR VACATED. SURELY, DEFENDANT FRANKEL DOES'NT CALL SUCH A COURT ORDER "FRIVOLOUS", "INCOHERENT",AND "UNINTELLIGIBLE" WHY DID'NT HE RESPOND TO THE APPEAL CHARGE THAT THE COURT CHEATED US OUT OF CONSENT JUDGMENT FOR CASE NO.C79-106-N SINCE HE CAN SURELY READ THAT COURT ORDER? THE FACT MUST BE NOTED THAT THE OFFICE OF THE GEORGIA ATTORNEY GENERAL REPRESENTING THE COMMISSION USED ITS INFLUENCE TO GET THE DISTRICT COURT NOT TO HONOR ITS CONSENT JUDGMENT ORDER.

OUR APPEAL IS ALSO BASED ON THE FACT THAT RICHARD WIND-HORST,FORMERLY EMPLOYED BY THE FIFTH CIRCUIT COURT OF APPEALS, UTILIZED A FRAUDULENT COURT ORDER TO PREVENT US FROM EFFECTING APPEALS FOR CASES NOS.C78-31-N & C78-47-N AND THE APPENDIX OF OUR APPEAL CONTAINED A COPY OF THE FRAUDULENT ORDER UTILIZED BY WINDHORST.SURELY TO GOODNESS MR.WINDHORST DOES NOT CONSIDER IT TO BE A "FRIVOLOUS" MATTER THAT HE LOST HIS JOB BECAUSE HE USED THAT FRAUDULENT ORDER TO CONSPIRE WITH DEFENDANTS SMITH AND - FRANKEL AGAINST US AND NO DEFENDANT INVOLVED IN THIS APPEAL HAS ATTEMPTED TO "EXPLAIN" WINDHORST'S FRAUDULENT ORDER AND NO DE-FENDANT,INCLUDING THE SOLICITOR GENERAL, HAS ATTEMPTED TO SHOW THAT WINDHORST WAS NOT DISCHARGED AFTER WE FILED SUIT AGAINST HIM,WHICH THE U.S.ATTORNEY GOT DISMISSED BECAUSE OUR PRO SE - COMPLAINT WAS IN VIOLATION OF RULE 8. OUR CASE AGAINST WINDHORST WAS NO.C79-87-N.

FRIVOLOUS?- INCOHERENT?- UNINTELLIGIBLE?-VII.

THEREFORE, IF DEFENDANT FRANKEL CAN MAKE NO OTHER DEFENSE THAN TO PRETEND THAT HE CANNOT SHOW THAT FRAUDULENT COURT ORDERS WERE NOT UTILIZED BY HIM TO DENY US THE DUE ADMINISTRATION OF JUSTICE BECAUSE THOSE COURT ORDERS ARE "FRIVOLOUS;" -- "INCOHERENT", AND "UNINTELLIGIBLE" HE WOULD HAVE BEEN BETTER OFF TO HAVE NOT FILED ANY RESPONSE TO OUR APPEAL BECAUSE HIS "MOTION TO DISMISS" MUST BE CONSTRUED BY THIS COURT TO MEAN THAT FRANKEL HAS "ADMITTED AS TRUE" THE MATERIAL ALLEGATIONS AGAINST HIM --- STATED IN OUR APPEAL PRESENTLY PENDING REVIEW BY THIS COURT AND THIS COURT MUST ENTER JUDGMENT BY DEFAULT AGAINST DEFENDANTS HOFFMAN AND SMITH BECAUSE THEY DID NOT FILE WITH THIS COURT ANY RESPONSE TO OUR APPEAL.

RESPONSE TO MOTION TO DISMISS FILED BY DEFENDANTS ABERNATHY,- LEWIS AND JOHNSON - VIII.

WHEREAS, APPELLANT RECEIVED ON JUNE 12, 1981 A "MOTION TO DISMISS AND WAIVER OF RIGHTS TO FILE A MORE DETAILED RESPONSE" TO OUR JURISDICTIONAL STATEMENT, WE STATE TO THIS COURT THAT THE RESPONSE WHICH WE HAVE MADE HEREIN THIS PLEADING TO DEFENDANT FRANKEL'S "MOTION TO DISMISS" APPLIES TO THE "MOTION TO DISMISS" FILED BY ABERNATHY, LEWIS, AND JOHNSON,

IN MANN V. ADAMS REALTY CO., INC., (C.A.ALA.1977) 556 F.2D288 THE COURT(s) HELD THAT: "IN EVALUATING SUFFICIENCY OF PLEADING ATTACKED ON MOTION TO DISMISS, BOTH DISTRICT COURT AND COURT OF -- APPEALS ARE REQUIRED TO CONSTRUE COMPLAINT IN LIGHT MOST FAVORABLE TO PLAINTIFF AND TO TAKE ALLEGATION THEREIN AS TRUE."

THEREFORE, SINCE THEY BASE DISMISSAL UPON THE SAME GROUNDS AS DID DEFENDANT FRANKEL AND WE HAVE DOCUMENTED FOR THIS COURT THAT -- DEFENDANT FRANKEL'S MOTION WAS COMPLETELY WITHOUT MERIT, WE POINT OUT TO THIS COURT THAT IT "MUST TAKE AS TRUE" OUR ALLEGATIONS - THAT SUPERINTENDENT ABERNATHY AND HIS LAWYER, JAMES LEWIS, BRIBED COMMISSION EXECUTIVE OFFICERS SCHACHT AND HINCHEY AND ATTORNEY FRANKEL TO TERMINATE OUR EMPLOYMENT VIA MEANS OF A HEARING RECORD COMPILED BY THE COMMISSION IN OUR ABSENCE, AND (2) OUR ABSENCE FROM THAT SECRET HEARING IS DOCUMENTED BY THE FACT THAT THE COMMISSION'S HEARING RECORD REVEALS THAT WE WERE NOT CONFRONTED ON CROSS -EXAMINATION REVELANT TO ANY OF THE 127 SO

RESPONSE TO MOTION TO DISMISS FILED BY DEFENDANTS ABERNATHY,-LEWIS AND JOHNSON-VIII.

CALLED "INSURBORDONATE" LETTERS CLAIMED TO BEAR OUR SIGNATURES, AND°THIS COURT "MUST TAKE AS TRUE" THAT (3) ABERNATHY AND LEWIS - CONSPIRED WITH THE OTHER DEFENDANTS TO INFLUENCE THE DISTRICT COURT TO HELP THEM COVER UP THE SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER WHICH THEY ALSO UTILIZED TO STEAL THE JUDGMENTS - FOR CASES NOS.C78-31-N AND C78-47-N.

NO RESPONSE OR ANSWER FROM DEFENDANT GORDON-IX.

SINCE DEFENDANT GORDON DID NOT FILE A RESPONSE OR ANY OTHER - ANSWER TO OUR APPEAL PENDING REVIEW IN THIS COURT THIS COURT IS REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE8(b),8(d) AND 55(a) TO ENTER JUDGMENT BY DEFAULT AGAINST DEFENDANT KENNETH GORDON.

THIS COURT IS THEREFORE REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE 8(d) TO"ACCEPT AS TRUE" THE MATERIAL ALLEGATIONS WHICH WE FILED AGAINST DEFENDANT GORDON THAT (1) HE CONSPIRED AGAINST THIS FORMER "CLIENT?" AFTER WE PAID HIM ON SEPTEMBER 7,1976 A RETAINER FEE OF $ 1,500.00 BY HELPING ABERNATHY,LEWIS,SCHACHT,HINCHEY,BOYD, GUNTER,FRANKEL AND JOHNSON TO COVER UP THE COMMISSION'S SECRET HEARING COMPILED HEARING RECORD,AND THAT (2) GORDON DID STEAL OUR RE - TAINER FEE SINCE HE RENDERED NO LEGAL SERVICE FOR US,AND THAT (3) DEFENDANT GORDON DID AWAY WITH OUR COPY OF THE HEARING RECORD COMPILED IN OUR ABSENCE BY THE COMMISSION.

NO RESPONSE OR OTHER ANSWER FROM DEFENDANTS SCHACHT,BOYD,GUNTER OR HINCHEY-X.

THE DEFENDANTS HEREIN HAVE FAILED TO ANSWER OR OTHERWISE DEFEND AS TO APPELLANT'S APPEAL PENDING REVIEW BY THIS COURT,AND THEY HAVE NOT SERVED A COPY OF ANY ANSWER OR OTHER DEFENSE WHICH THEY - MIGHT HAVE HAD,UPON THIS APPELLANT.

SINCE THE DEFENDANTS IDENTIFIED HEREIN FAILED TO DENY OR ADMIT OUR ALLEGATIONS AGAINST THEM THIS COURT IS REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE 8(d) TO ACCEPTED "AS ADMITTED" AND "AS TRUE" THAT (1) DEFENDANT SCHACHT USED HIS POSITION OF EMPLOYMENT AS THE EXECUTIVE DIRECTOR OF THE GA.PROFESSIONAL PRACTICES COMMISSION (COMMISSION) TO HOLD A SECRET HEARING SO THAT ABERNATHY AND HIS LAWYER, DEFENDANT JAMES LEWIS,COULD COMPILE A HEARING RECORD TO TERMINATE

NO RESPONSE OR OTHER ANSWER FROM DEFENDANTS SCHACHT, BOYD, GUNTER OR HINCHEY-X.

OUR EMPLOYMENT, AND THAT (2) DEFENDANT JOHN HINCHEY, HEARING EXAMINER, FOR THE COMMISSION FOR THAT SECRET HEARING WROTE A REPORT TO TERMINATE OUR EMPLOYMENT WHICH CHARGES AGAINST US WERE BASED ON 22 SO CALLED "INSURBORDONATE" LETTERS CITED BY HINCHEY, BUT THE HEARING RECORD REVEALS THAT WE WERE NOT AFFORDED THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION REVELANT TO THOSE 22 LETTERS WHICH HINCHEY CLAIMS BEARS OUR SIGNATURES, AND THAT (3) DEFENDANT SCHACHT MADE IT POSSIBLE FOR STATE DEPT. OF EDUCATION EMPLOYEES BOYD AND GUNTER TO GIVE FALSE TESTIMONY AND TO PRESENT FRAUDULENT EVIDENCE AGAINST US, AND THAT (4) DEFENDANT SCHACHT LIED TO THE DISTRICT COURT WITH HIS CERTIFICATION THAT BOTH THE COMMISSION HEARING PANEL AND THIS PARTY WERE PRESENT WHEN THE COMMISSION COMPILED THE HEARING RECORD WHICH IS NOW FILE NO. C77-6-N IN THE DISTRICT COURT CLERK'S OFFICE AND THEREFORE SCHACHT CERTIFIED WE WERE AFFORDED DUE PROCESS. HINCHEY UTILIZED 22 OF THE 127 EXHIBITS PRESENTED SECRETLY.

COMPUTATION OF TIME-XI.

SUPREME COURT RULE 29.1 STATES IN PART THAT "IN COMPUTING ANY PERIOD OF TIME PRESCRIBED OR ALLOWED BY THESE RULES, BY ORDER OF THE COURT, OR BY APPLICABLE STATUTE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS - NOT TO BE INCLUDED" "THE LAST DAY OF THE PERIOD SO COMPUTED IS TO BE INCLUDED, UNLESS IT IS A SUNDAY OR A FEDERAL LEGAL HOLIDAY, IN - WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY WHICH IS NEITHER A SUNDAY NOR A FEDERAL LEGAL HOLIDAY"

SUPREME COURT RULE 16.1 REQUIRES THAT THE APPELLEES SERVE THEIR RESPONSE, OR ANSWER, OR DEFENSE TO A JURISDICTIONAL STATEMENT WITHIN 30 DAYS AFTER RECEIPT OF SAME. SERVICE IS COMPLETED BY PLACING THE PLEADING IN THE MAIL DELIVERY SERVICE.

RULE 16 STATES IN PART THAT: "WITHIN 30 DAYS AFTER RECEIPT OF THE JURISDICTIONAL STATEMENT, UNLESS THE TIME IS ENLARGED BY THE COURT OR A JUSTICE THEREOF, OR BY THE CLERK UNDER THE PROVISIONS OF RULE 29.4 THE APPELLEE MAY FILE A MOTION TO DISMISS----------" PLEASE NOTE "WITHIN 30 DAYS"

WE SHOW THIS COURT THAT WE PLACED IN THE MAIL DELIVERY SERVICE COPIES OF OUR JURISDICTIONAL STATEMENT ADDRESSED TO COUNSEL

COMPUTATION OF TIME-XI.

OF RECORD FOR APPELLEES WITH SUFFICIENT POSTAGE TO ASSURE DELIVERY ON MAY 11,1981.THUS,THE COMPUTATION OF THEIR TIME IN WHICH TO RESPOND TO OUR PLEADING BEGAN TO RUN ON MAY 12,1981 AND EXPIRED ON WEDNESDAY,JUNE 10,1981,A TOTAL OF 30 DAYS.

HOWEVER,THE MOTION TO DISMISS AND WAIVER OF RIGHTS TO FILE A RESPONSIVE PLEADING FILED ON JUNE 11,1981 BY DEFENDANTS ABERNATHY, LEWIS AND JOHNSON WAS NOT TIMELY AND SHOULD NOT BE CONSIDERED BY - THIS COURT.

WE SHOW THE COURT THAT AFTER RECEIPT OF OUR MAIL ON JUNE 15, 1981 THAT WE HAD NOT RECEIVED FROM DEFENDANTS SCHACHT,BOYD,GUNTER, AND HINCHEY ANY TYPE OF RESPONSIVE PLEADING,OR ANSWER OR DEFENSE TO OUR JURISDICTIONAL STATEMENT SERVED ON THEM ON MAY 11,1981.FROM MAY 12,1981 THRU JUNE 15,1981 IS A TOTAL OF 35 DAYS.THEREFORE, THE STATE DEFENDANTS HAVE ONCE AGAIN DEMONSTRATED THAT THEY ARE NOT CONCERNED ABOUT CHARGES FILED AGAINST THEM JUST SO LONG AS THE ACCUSOR IS A PRO SE.

THIS COURT IS INFORMED THAT THE SAME FOUR (4) DEFENDANTS DID NOT FILE A RESPONSE TO OUR MOTION FOR SUMMARY JUDGMENT REVELANT TO CASE NO.C79-106-N,BUT SINCE THEY ARE DEFENDED BY THE GA.ATTORNEY GENERAL'S STAFF THEY WERE GRANTED JUDGMENT OF DISMISSAL FOR THAT CASE WITH NO RULING ENTERED UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION.

WE ARE ENTITLED TO JUDGMENT BY DEFAULT AGAINST ABERNATHY,LEWIS, JOHNSON,SCHACHT,BOYD,GUNTER AND HINCHEY & GORDON.FRCP RULE 55(a)..

THERE IS NO DOUBT PER THE FACT THAT THE DEFENDANTS COULD HAVE RESPONDED TO "QUESTIONS PRESENTED"IN OUR JURISDICTIONAL STATEMENT, BUT THEY EVEN WAIVED THEIR RIGHTS TO MAKE THAT RESPONSE CHOOSING INSTEAD TO ADMIT THEIR GUILT BY FILING MOTIONS TO DISMISS BELIEVING THAT THIS COURT WOULD IGNORE THE UN-IMPEACHABLE EVIDENCE THAT THEY WORKED IN COLLUSION WITH THE DISTRICT COURT TO DENY US THE - DUE ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND C78-47-N WHICH FACT BROUGHT ON CASE NO.C79-106-N.

WHEREFORE,DOES THIS COURT'S RULING IN JENKINS V.MCKEITHEN,ID, APPLY TO A CASE WHEN THE PLAINTIFF IS PROCEEDING PRO SE? PRECEDENT? "A PAST INSTANCE THAT MAY SERVE AS AN EXAMPLE OR RULE IN THE FUTURE?

WHEREFORE, BASED UPON THE FACT THAT DEFENDANTS SMITH, HOFFMAN, GORDON, SCHACHT, HINCHEY, BOYD AND GUNTER DID NOT FILE ANY TYPE OF RESPONSE TO OUR JURISDICTIONAL STATEMENT SERVED ON THEM "WITHIN 30 DAYS" AFTER RECIPT OR AT ALL BY JUNE 15, 1981, WE RESPECTFULLY MOVE THIS COURT TO ENTER DEFAULT AGAINST THEM.

WHEREFORE, BASED UPON THE FACT THAT DEFENDANTS ABERNATHY, LEWIS, AND JOHNSON DID NOT SHOW SERVICE ON THEIR MOTION TO DISMISS TO BE "WITHIN 30 DAYS" OF RECEIPT OF OUR JURISDICTIONAL STATEMENT, WE RE - SPECTFULLY MOVES THIS COURT TO RULE THAT THEIR PLEADING WAS NOT - "TIMELY SERVED" AND TO ENTER DEFAULT AGAINST THEM.

WHEREFORE, APPELLANT RESPECTFULLY REQUESTS SUCH OTHER AND FUR- THER RELIEF THAT THIS COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James E. Patterson

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DATED: 6/15/81.

APPENDIX

THE DEFENDANTS HAVING FILED MOTIONS TO DISMISS OUR STATEMENT ON THE GROUNDS THAT SAID STATEMENT DOES NOT COMPLY WITH SUPREME - COURT RULE 15 REVELANT TO "JURISDICTIONAL STATEMENT" ARE HEREBY ADVISED THAT WE ATTEMPTED TO FILE ONE STATEMENT BUT THE CHIEF DEPUTY CLERK, MR. FRANCIS J. LORSON, REFUSED TO DOCKET SAME. ATTACHED IS A COPY OF A LETTER SIGNED BY MR. LORSON IN WHICH HE ADVISED US THAT: "UNTIL AND UNLESS YOU PRESENT A JURISDICTIONAL STATEMENT TO THIS OFFICE WHICH COMPLIES IN ALL RESPECTS WITH RULES 10-15, YOUR CASE WILL NOT BE PLACED ON THE DOCKET OF THIS COURT" THEREFORE, WE ADVISE THE DEFENDANTS AND COURT THAT WE MAILED A PROPERLY PREPARED JURISDICTIONAL STATEMENT TO MR. LORSON ON MAY 11, 1981 WHICH WAS AFTER DATE OF THE ATTACHED LETTER ON APRIL 27, 1981.

MR. LORSON DID ACCEPT OUR JURISDICTIONAL STATEMENT AND PLACE IT ON THIS COURT'S DOCKET AND THEREFORE MOTIONS TO DISMISS OUR STATEMENT ON THE GROUNDS THAT IT DOES NOT COMPLY WITH SUPREME COURT RULE 15 ARE COMPLETELY WITHOUT MERIT.

SECONDLY, WE CALL DEFENDANT FRANKEL'S ATTENTION TO THE FACT - THAT WE APPEALLED TWO CASES AND THAT MR. LORSON ASSIGNED ONLY ONE -- SUPREME COURT APPEAL NUMBER TO THOSE TWO CASES. THEREFORE, DEFENDANT FRANKEL'S ARGUMENT THAT JEFFREY SMITH WAS NOT A "PARTY" BELOW IS FALSE SINCE SMITH, HOFFMAN AND THE U.S. DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA, WERE DEFENDANT "PARTIES" BELOW IN THE ABOVE CITED CASE SHOWING "JAMES E. PATTERSON V. OTIS J. ABERNATHY, ET AL" A-828.

Appendix #1

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

April 27, 1981

Mr. James E. Patterson
1004 Vernon Street
LaGrange, Georgia 30240

Re: James E. Patterson v. Hans J. Schacht, et al.; James E. Patterson v. Otis J. Abernathy, et al.
one NUMBER A-828

Dear Mr. Patterson:

Enclosed is another copy of the Rules of the Supreme Court. Until and unless you present a jurisdictional statement to this office which complies in all respects with Rules 10 - 15, your case will not be placed on the docket of this Court. If you are unable to afford the costs of proceeding in this Court, you may preface your appeal with a motion for leave to proceed in forma pauperis as provided by Rule 46. If you do seek to proceed in forma pauperis, you need file only a single typewritten jurisdictional statement.

This Court does not entertain motions for appointment of counsel until and unless a case has been granted and set down for oral argument.

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson

Francis J. Lorson
Chief Deputy Clerk

Enclosures

Since our statement mailed on may 11, 1981 was docketed it is evident that mr. Lorson agreed that it complied with Supreme court rule 15. He loaned us a sample copy as well as a guide. So the motion to dismiss our appeal on the ground that it does not comply with the form/styling required by rule 15 is WITHOUT MERIT.

12.

ADDENDUM

SINCE DEFENDANTS GORDON,SCHACHT,BOYD,HINCHEY,GUNTER HAVE ALL REFUSED TO FILE A RESPONSIVE ANSWER OR TO OTHERWISE DEFEND THE CHARGES WHICH WE HAVE MADE AGAINST THEM TO THIS COURT IT MUST BE SAID THAT THE DISTRICT COURTS HAVE DEMONSTRATED TO THEM IN THE PAST THAT THEY DO NOT HAVE TO BE CONCERNED ABOUT CHARGES BROUGHT AGAINST THEM BY A PRO SE AND SO THEY HAVE DEMONSTRATED BY NOT COMPLYING WITH THE RULES OF THIS COURT THAT THEY ARE CONVINCED THAT THIS COURT WILL - NOT DETERMINE TO REVIEW OUR APPEAL AND THEN GRANT US RELIEF IN THE FORM OF A MANDATED TRIAL ON THE MERITS OF C.A.NO.79-106-N.

SCHACHT,ET AL SIMPLY IGNORED OUR APPEAL BELIEVING THAT THIS --- COURT WOULD NEVER RULE THAT THEY WORKED IN COLLUSION WITH THE DISTRICT COURT TO DENY US THE DUE ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND C78-47-N.

THE COURT HELD IN GODBOLD V.FEDERAL CROP INS.CORP.,(D.C.MISS. 1973) 365 F.SUPP.836 THAT: "IT IS NOT FUNCTION OF FEDERAL COURT TO RESOLVE FACTUAL ISSUES UPON A MOTION FOR SUMMARY JUDGMENT" THUS,THE SAME PRINCIPLE OF LAW SHOULD APPLY WHEN DEFENDANTS REFUSE TO EVEN RESPOND TO THE CHARGES MADE AGAINST THEM.

IT IS NOT THE FUNCTION OF THIS COURT TO REFUSE TO EVALUATE THE NON-CONTROVERTED DAMAGING EVIDENCE WHICH WE HAVE FILED IN THIS COURT AGAINST THE DISTRICT COURT. NO,THE U.S.SOLICITOR,AND OTHER DEFENDANTS WERE UNDER THE DUTY TO CONTROVERT OUR CHARGES AGAINST THEIR COLLUSION WITH THE COURT,BUT THEY REFUSED TO DO SO.

IT SEEMS TO ME THAT WITHIN THE PAST YEAR THAT I HAVE READ THAT THIS COURT RULED THAT WHILE A FEDERAL JUDGE MIGHT HAVE IMMUNITY FROM CIVIL SUIT OTHER PARTIES ACCUSED OF CONSPIRING WITH HIM DID NOT - HAVE SUCH IMMUNITY FROM PROSECUTION.

FUNCTION OF COURT."ON A MOTION FOR SUMMARY JUDGMENT,NEITHER TRIAL COURT OR COURT OF APPEALS ARE PERMITTED TO WEIGH THE EVIDENCE, PASS UPON CREDIBILITY,OR SPECULATE AS TO THE ULTIMATE FINDINGS OF - FACT" PEPPER & TANNER,INC.V.SHAMROCK BROADCASTING CO.,(C.A.ARIZ.1977) 563 F.2d 391. NEITHER IS IT THE FUNCTION OF THIS COURT"TO WEIGH THE EVIDENCE";PASS UPON ITS CREDIBILITY",OR "SPECULATE AS TO THE ULTIMATE FINDINGS OF FACT" REVELANT TO OUR CHARGES AGAINST THE DISTRICT COURT. NO,THE DUTY TO CONTROVERT SAID EVIDENCE IS NOT THAT OF THIS COURT,BUT WAS THE DUTY OF THE U.S.SOLICITOR,WHO WAIVED HIS DUTY TO do So.